

**FEDERAL COMMUNICATIONS COMMISSION**

**445 Twelfth Street, S.W.  
WASHINGTON DC 20554**

DEC 30 2009

MEDIA BUREAU

AUDIO DIVISION

APPLICATION STATUS: (202) 418-2730

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Nostalgia One Public Radio, Inc.  
195 Main Street  
Lancaster, NH 03584

In re: NEW(FM), Lisbon, NH  
Nostalgia One Public Radio, Inc.  
Facility ID No. 176846  
BMPED-20091027AAB

Dear Applicant:

This refers to the above-captioned noncommercial educational minor change application filed to modify construction permit BNPED-20071022BKB for a new broadcast station to serve the community of Lisbon, NH.

An engineering review of the application reveals that the application is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE CANADA RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ* (USA-Canada Agreement). Specifically, the application is short-spaced to the co-channel Class B Sherbrooke, Quebec, Canadian allotment. The application's proposed interfering contour (34 dBu) would cause prohibited overlap to the Canadian allotment's protected contour (54 dBu).<sup>1</sup> Thus, the application fails to comply with the USA-Canada Agreement. This constitutes an acceptance defect.

In light of the above, application BMPED-20091027AAB is unacceptable for filing, pursuant to 47 C.F.R. Section 73.3566(a) and is HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. Section 0.283.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: Barry P. Lunderville, Esq.

<sup>1</sup> Pursuant to the USA-Canada Agreement, the protected contour for the Canadian allotment is a maximum class 65 kilometer circle.